

REMARKS

Claims 1-30 are pending in the present application. Claims 1 and 16 are independent.

Information Disclosure Statement:

The Office Action objects to the Information Disclosure Statement filed May 16, 2002 for failing to comply with the provisions of 37 C.F.R. 1.97, 1.98 and MPEP § 609 "because U.S. Patent 6,206,607 is not to Nguyen, et al." This objection is respectfully traversed.

Rather than failing to comply with the cited provisions above, the IDS filed May 16, 2002 actually contained a typographical error in the PTO-1449 form. More particularly, U.S. Patent No. 6,202,070 was inadvertently listed as U.S. Patent No. 6,206,070 in the PTO-1449 form that accompanied the IDS. In other words, Applicant only intended to file U.S. Patent No. 6,202,070 (Nguyen, et al.) but inadvertently committed a typographical error on the PTO-1449 form. A brief review of the patent copies provided with the IDS would have revealed this typographical error. It is further believe that this explanation clarifies the record.

To obtain consideration of the Nguyen patent, Applicant has resubmitted the Nguyen patent in an IDS filed concurrently herewith. It is also noted that page 2 of the November 30, 2004 Office Action also contains a typographic error because it lists the Nguyen patent as U.S. Patent 6,206,607 instead of 6,206,070.

In view of the above comments and resubmitted IDS, Applicant respectfully requests reconsideration and withdrawal of the objection raised in the Office Action.

Furthermore, Applicant requests waiver of the \$180.00 certification requirement fee under 37 C.F.R. 1.97(e) because the Nguyen patent was timely filed before the first office action as explained.

35 U.S.C. § 102(e) Umezu, et al. Rejection:

Claims 1-13 and 16-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Umezu (USP 6,418,391). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Contrary to the Office Action, Umezu is not directed to a method or system for managing test files among a plurality of test stations for testing products. Instead, Umezu is actually a sophisticated GUI (Graphical User Interface) that permits a user to control testing equipment for testing a device, gathering test data, and storing test data so gathered. Umezu utilizes an icon-based GUI graphically illustrated in Figures 5 and 8. Icons corresponding to the device under test, test element, test goal, test tradeoff, etc. are utilized to configure the testing system to produce the desired test results. A user may intuitively connect to these iconic representations and thereby efficiently configure the test.

In sharp contrast, the presently claimed invention is an entirely different system and method that manages manufacturing test files among a plurality of test stations for testing products. One of the major problems addressed by the invention is that in a dynamic manufacturing test environment having a plurality of test stations testing various different products, there is a problem that the test stations do not have the correct test files. For example, some test stations may need to utilize different test files than other test stations. An example is that some test stations may be utilizing the

Windows™ Operating System while others use different operating systems. Thus, the test file must be tailored to the particular test station, otherwise the test will probably not be successful. To ensure that the test file is distributed to the correct test station, the invention utilizes an enforcement criteria.

Other enforcement criteria include a product identifier that identifies the products that the test file should be used with. A mismatch between the test file and the device under test will cause problems and the inventive enforcement criteria ensures that these problems are avoided. Another example of the enforcement criteria is the support file criteria, which is utilized to associate test files with other test files. For example, certain data files need to be associated with an executable test file. These support files (e.g., data files) need to be present in the test station for a test to be successful. This is an additional aspect of the enforcement criteria. Others are explained in the specification. For example, see page 8 of the specification.

Umezu has no such concept of an enforcement criteria and certainly does not disclose or suggest permitting distribution of the test file to at least one of the test stations according to the enforcement criteria. The Office Action equates the term “enforcement criteria” with the term “test task” as it is utilized by Umezu. This is not a fair comparison and these two terms are not equivalent as asserted by the Office Action. “Test task” is defined in column 8, lines 28-35 as follows:

The “test task” is an object for associating a plurality of “test goals” and one “test element name.” The “test task” is one of program elements, and has ‘execute’ process. The ‘execute’ process of the “test task” starts the test by sending a “test goal” which it has to a derived object of “virtual instrument” corresponding to the “test element name” which it associates.

Accordingly to Umezu's own definition, the "test task" is nothing like the enforcement criteria utilized and specifically claimed by the present application. The Office Action further cites column 18, lines 38-45 as anticipating the distributing step of claim 1. This section of Umezu, however, merely describes a conventional system including a testing equipment connection bus 210 and bus interface section 200. Although such busses may be utilized to distribute test files in the conventional way, there is not disclosure or suggestion of permitting distribution of the test file to at least one of the test stations according to the enforcement criteria as more particularly recited in claim 1.

As to claim 16, Umezu likewise does not disclose or suggest the system for managing manufacturing test files among a plurality of test stations or testing products as recited therein. More particularly, Umezu does not disclose or suggest the test station conditionally receiving the test file according to the enforcement criteria. There is no such conditional receiving in Umezu, certainly not according to an enforcement criteria as claimed.

For all of the above reasons, taken alone or on combination, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) Umezu rejection.

35 U.S.C. § 103 - Umezu - Eason Rejection:

Claims 14 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Umezu in view of Eason. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

The above arguments establish a clear patentable difference between the independent claims (1 and 16) and Umezu. Eason is merely being applied to teach

features of dependent claims 14 and 29. Furthermore, Eason does not remedy any of the noted deficiencies of Umezu. Therefore, the combination of Umezu and Eason fails to disclose or suggest the features of independent claims 1 or 16.

Although Applicant does not agree with the combination of Umezu and Eason, it is believed that the arguments against the § 102(e) Umezu rejection are sufficient to establish patentability

For all of the above reasons, taken alone or in combination, Applicant respectfully request reconsideration and withdrawal of the § 103(a) Umezu - Eason rejection.

35 U.S.C. § 103(a) Umezu Rejection:

Claims 15 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Umezu. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

The arguments above are sufficient to establish patentability as to the independent claims. This § 103 rejection is utilized to address certain features of dependent claims 15 and 30. Because the arguments above are fully sufficient to establish patentability as to the independent claims, further arguments are not necessary with respect to these dependent claims 15 and 30. This is particularly true because claim 15 and 30 are not relied upon for patentability at this time. Indeed, the obviousness argument is only made with respect to the optical communications network component feature of dependent claims 15 and 30 and is not made to otherwise extend Umezu to teach the inventive features argued extensively above.

For the above reasons, taken alone or in combination, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103 Umezuru rejection.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/lab
4450-0151P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): Abstract of Disclosure